

Memorandum

Date: March 17, 2014

To: Commissioners
Chief Rhonda Skipper-Dotta, Field Operations
Chief Sandra Maciel, Program Operations
Chief Howard Moseley, Legal Division

Subject: **REQUIREMENT TO CALCULATE BASE TERMS AND ADJUSTED BASE TERMS FOR ALL LIFE TERM INMATES**

On December 16, 2013, pursuant to a settlement agreement in the case of *In re Butler*, Case No. A139411 (1st App. Dist.), the court ordered the Board of Parole Hearings (board) to carry out several provisions effective April 1, 2014. In relevant part, the order states the following terms and conditions:

- The board shall, at the next publicly noticed board meeting, announce a policy of calculating the base term and adjusted base term for all life term inmates at the initial parole consideration hearing. The board will implement this policy on the first day of the calendar month following the aforementioned meeting.
 - The base term will be established pursuant to the matrices and directives found in California Code of Regulations (CCR), title 15, sections 2282-2284, 2320-2321, 2329, 2403-2405, 2423-2425, and 2433-2435.
 - The adjusted base term refers to the base term after it has been adjusted for enhancements pursuant to CCR, title 15, sections 2285-2288, 2322-2326, 2406-2409, 2426-2428, and 2436-2438.
- For any life term inmate who has already had his or her initial parole consideration hearing without a calculation of the base term and adjusted base term, the board shall calculate the base term and adjusted base term at the inmate's next scheduled parole consideration hearing that results in a grant of parole, a denial of parole, a tie vote, or a stipulated denial of parole.

Pursuant to the above court order, effective April 1, 2014, all hearing panels shall calculate a base term and an adjusted base term during deliberations whenever the hearing results in a parole grant, parole denial, stipulated denial, or tie vote and announce the calculation on the record when the decision is rendered.

In the event of a parole denial, stipulated denial, or tie vote, hearing panels are instructed to clarify on the record for the benefit of all the participants that the base term and adjusted base term calculations do not represent the inmate's release date. Upon a finding of suitability, the hearing panel will calculate the inmate's proposed release date (to include post-conviction credit), and the Legal Division shall calculate the final release date (to include pre-prison credits as determined by California Department of Corrections and Rehabilitation case records staff), either of which may significantly alter the inmate's actual release date.

It should be noted that the hearing panel's calculation of the base term and adjusted based term is part of the panel's suitability decision. All suitability decisions are proposed until they become final after the decision-review period pursuant to Penal Code section 3041, subdivision (b). Subsequent hearing panels will be able to view calculations made by an earlier panel but will be unable to modify them. Therefore, parties are encouraged to identify possible errors and submit them to the Legal Division for review during the decision-review period.



JENNIFER P. SHAFFER
Executive Officer
Board of Parole Hearings